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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,871	09/08/2003	Hiroshi Ogawa	26C-024	8095
23400	7590	08/26/2004	EXAMINER	
POSZ & BETHARDS, PLC 11250 ROGER BACON DRIVE SUITE 10 RESTON, VA 20190			FLEMING, FAYE M	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/656,871

Applicant(s)

OGAWA ET AL.

Examiner

Faye Fleming

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/08/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Tanase, et al (6,460,879).

Tanase teaches a head protecting airbag device comprising an airbag folded in the upper edge of windows inside a vehicle in undeployed condition; the airbag comprising a gas admissive portion and a non-admissive portion, the gas admissive portion has a gas feed passage GM and an inflatable shielding portion, the gas feed passage is disposed along the upper edge of the airbag extending in the front-rear

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direction of the vehicle, the inflatable shielding portion is located below the gas feed passage, the inflatable shielding portion includes a plurality of protection portions 20, 21 juxtaposed along the front-rear direction of the vehicle, and a plurality of vertical passages G1-G5 vertically disposed in the front and rear of each of the protection portions, the vertical passages are communicated at upper ends with the gas feed passage, and each of the protection portions admits inflation gas via the vertical passages, as shown in figure 5. The inflatable shielding portion further comprises communication passages 19 below each of the protection portions and along the lower edge of the airbag extending in the front-rear direction, each of the communication passages being communicated with the vertical passages, and each of the protection portions admits inflation gas via the vertical passages and then via the communication passage. Tanase teaches a plurality of vertical inflatable portions 20, 21 juxtaposed along the front-rear direction of the vehicle, each of the vertical inflatable portions being disposed vertically and being communicated at lower end thereof with the communication passage 19. The protection portion comprises a plurality of transverse inflatable portions juxtaposed in the vertical direction, each of the transverse inflatable portions being disposed along the front-rear direction of the vehicle and being communicated with the vertical passages, and the inflatable shielding portion further comprises vertical inflatable portions vertically disposed next to the vertical passages in the front and rear of the vertical passages, as shown in figure 5. The protection portion comprises a plurality of non-adhesive portions 26-29 disposed spottedly and the

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inflatable shielding portion further comprises vertical inflatable portions vertically disposed next to the vertical passages in the front and rear of the vertical passages.

The gas admissible portion comprises a window-ward shielding portion and a roof-ward shielding portion, as shown in figure 1. The window-ward shielding portion is

positioned upstream than the roof-ward shielding portion in the flow of inflation gas.

The airbag further comprises a plurality of mounting portions 16 wherein the mounting portions have slits 16a in the upper periphery thereof.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanase, et al (6,460,879) in view of Saita, et al (6,293,581).

Tanase teaches the claimed invention except for the inflator located in the upper edge of the window. Saita teaches an inflator 41 located in the upper edge of the windows. The airbag comprises joint ports 31, 35 disposed in the upper edge of the windows so as to be connected to the inflator. Saita teaches a cover portion for covering the vehicle's inner side of the inflator upon deployment of the airbag, as shown in the figures. Based on the teachings of Saita, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

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airbag of Tanase to have the inflator mounted in the upper edge of the window to provide an even flow during deployment of the airbag.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references cited discloses some features in common with the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faye Fleming whose telephone number is (703) 305-0209. The examiner can normally be reached on M-F (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Faye Fleming  
Examiner  
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*F417*  
*08/21/04*